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APR 30 2012	
CLERK U.S. DISTRICT COURT SOUTHERN DIST. OF ARIZ.	
RV	DEPUTY

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3 District of Arizona  
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10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF ARIZONA

13 United States of America,

CR 11-0434-TUC-CKJ(CRP)

14 Plaintiff,

15 v.

16 Jesus Valencia,

17 ADMISSIONS OF ALLEGATION  
18 CONTAINED IN PETITION TO  
19 REVOKE SUPERVISED RELEASE  
20 AND/OR PROBATION

21 Defendant.

22 The United States of America and the defendant agree to the following disposition  
23 of this matter:

24 TERMS OF THE AGREEMENT

25 1. This is a revocation of:

26 ( X ) supervised release

( ) probation

27 2. The defendant will admit to allegation (s) 1 in the Petition to Revoke. This is a  
28 Grade C violation. As a result, the defendant's supervised release / probation will be  
29 revoked. The government agrees to dismiss at sentencing any remaining allegations in the  
30 petition, if the defendant is sentenced in accordance with this agreement.

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1     3. The parties agree that the defendant will be sentenced to:

2                \_\_\_\_\_ months incarceration; OR

3                a period of incarceration not to exceed the middle of the applicable  
4               guideline range under U.S.S.G. § 7B1.4(a) (Revocation Table), and  
not below the minimum of that range; OR

5                other (specify): \_\_\_\_\_  
6               \_\_\_\_\_

7     4. This sentence will be followed by:

8                an additional term of \_\_\_\_\_ months of supervised release

9                an additional term of supervised release to be determined by the court

10               NO additional term of supervised release

11              If the defendant is sentenced to a term of probation or supervised release, the  
12              defendant agrees to comply with the previously imposed conditions and any others  
13              the probation department or court deems appropriate.

14               In addition, the following additional condition(s) shall be imposed:

15              \_\_\_\_\_

16              \_\_\_\_\_

17              \_\_\_\_\_

18     5. Consecutive/Concurrent sentences:

19               There is no agreement regarding consecutive or concurrent sentences  
20              (or the issue is not applicable in this case);

21               The government agrees that it will not take a position whether this  
22              sentence should be concurrent or consecutive to another sentence.

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## **6. Statutory and Guideline Provisions:**

a) U.S.S.G. § 7B1.4, the Terms of Imprisonment (Policy Statement) provides:

## **Revocation Table**

<u>Grade of Violation</u>	I	II	III	IV	V	VI
<b>Grade C</b>	3-9	4-10	5-11	6-12	7-13	8-14
<b>Grade B</b>	4-10	6-12	8-14	12-18	18-24	21-27
<b>Grade A</b>	(1) Except as provided in subdivision (2) below:					
	12-18	15-21	18-24	24-30	30-37	33-41
	(2) Where a defendant was on probation or supervised release result of a Class A felony:					
	24-30	27-33	30-37	37-46	46-57	51-63

b) Penalties applicable for defendant's original offense:

- 1) Criminal History - V
  - 2) Guideline Range - 21-27
  - 3) Statutory Maximum incarceration - 10 years

c) Supervised release statutory maximums pursuant to 18 U.S.C. § 3583 (e)(3);

- 1) Class A felony - 5 years
  - 2) Class B felony - 3 years
  - 3) Class C or D felony - 2 years
  - 4) Any other case - 1 year

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1       7. Waiver of Appeal & Collateral Attacks - The defendant waives any and all motions,  
2 defenses, probable cause determinations, and objections which the defendant could assert  
3 to the information or indictment, or petition to revoke, or to the Court's entry of judgment  
4 and imposition of sentence upon the defendant, providing the sentence is consistent with  
5 this agreement. The defendant further waives: (1) any right to appeal the Court's entry of  
6 judgment against defendant; (2) any right to appeal the imposition of sentence upon  
7 defendant; and (3) any right to collaterally attack defendant's conviction and sentence in a  
8 habeas petition under 28 U.S.C. § 2255 or motion under any other statute or rule. If the  
9 defendant files a notice of appeal or any habeas petition, notwithstanding this agreement,  
10 the defendant agrees that, upon motion of the government, this case shall be remanded to  
11 the district court to determine whether defendant is in breach of this agreement and, if so,  
12 to permit the United States to withdraw from the plea agreement.

13     8. The defendant understands the government's obligation to provide all information  
14 in its file regarding the defendant to the United States Probation Office. The defendant  
15 fully understands and agrees to cooperate fully with the United States Probation Office in  
16 providing all information requested by the probation officer.<sup>9</sup>

17     I understand all of the provisions of this agreement. This written plea agreement  
18 contains all the terms and conditions of my plea, and any promises made by anyone  
19 (including my attorney) that are not contained within this written agreement are without  
20 effect and are void.

21  
22     4/30/12  
23 Date

  
Jesus Valencia  
Defendant

24     //

25

26

1 I have discussed this case and the plea agreement with my client in detail, and have  
2 translated it for my client if necessary. No assurances, promises, or representations have  
3 been given to me or my client by the government or by any of its representatives which are  
4 not contained in this written agreement. I concur in the entry of the plea as indicated above  
5 and on the terms and conditions set forth in this agreement as in the best interests of my  
6 client.

7 Date

4/30/12

Rosemary Marquez, Esq.  
Attorney for Defendant

12  
13 ANN BIRMINGHAM SCHEEL  
14 Acting United States Attorney  
District of Arizona

15 Date

4/30/2012

KYLE J. HEALEY  
Assistant U.S. Attorney